

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                         |   |                      |
|-------------------------|---|----------------------|
| BILLY TYLER,            | ) |                      |
|                         | ) | 4:05cv3164           |
| Plaintiff,              | ) |                      |
|                         | ) | MEMORANDUM AND ORDER |
| vs.                     | ) |                      |
|                         | ) |                      |
| CALVIN HAYWOOD, et al., | ) |                      |
|                         | ) |                      |
| Defendants.             | ) |                      |

In filing no. 9, I stated: "[I]f the plaintiff has not paid the \$250 filing fee by September 1, 2005, this case will be subject to dismissal without further notice."

The plaintiff has not paid the filing fee, and the deadline has expired. Accordingly, pursuant to NECivR 41.1<sup>1</sup>, the plaintiff's complaint and the above-entitled action are dismissed without prejudice. A separate judgment will be entered accordingly.

SO ORDERED.

September 22, 2005.

BY THE COURT:

*/s Richard G. Kopf*  
United States District Judge

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<sup>1</sup>NECivR 41.1 states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."